

YOUTH SERVICES POLICY

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| Title: Public Records Management Next Annual Review Date: 09/20/2014 | Type: A. Administrative Sub Type: 1. General Number: A.1.9 |
| Page 1 of 11 | |
| References: Louisiana Administrative Code Title 4 Part XVII "Records Management Policies and Practices"; La. R.S. 44, et seq. and 30:2043; The Louisiana State Archives Electronic Mail (E-mail) Retention Policy; The Louisiana State Archives Records Management Handbook; ACA Standards 2-CO-1E-01 (Standards For Administration of Correctional Agencies); 4-JCF-4C-31 and 4-JCF-4C-32 (Performance-Based Standards for Juvenile Correctional Facilities); and 2-7070 (Juvenile Probation and Aftercare Services); YS Policies A.2.12 "Personnel Records", A.3.3 "Requests for Statistical Information; Collection of Fees for Reproduction of Public Records and Statistical Reports", A.5.6 "Internet and E-mail Usage", B.3.1 Composition / Location / Retention of Active and Inactive Secure Care Youth Records", D.5.1 "Composition / Location / Retention of Active & Inactive Youth Records – Community Based Services"; and OJJ/CCS Policy Nos. C-26 "Confidentiality of Health Records" and C-27 "Health Records / Inactive Records" | |
| STATUS: Approved | |
| Approved By: <i>Mary L. Livers, Deputy Secretary</i> | Date of Approval: 09/20/2013 |

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To provide YS a system of managing and preserving government records, which will meet informational requirements and serve the rights and interest of government and its citizens, by establishing standards and guidelines to ensure the state's official records are created and maintained efficiently, economically, and in a manner that guarantees public accessibility.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Deputy Assistant Secretary, Regional Directors, Facility Directors, Regional Managers, the YS designated Records Management Officer (RMO), the contracted healthcare provider (CHP), and all YS employees.

IV. DEFINITIONS:

Approved Retention Schedule – A retention schedule which has been approved by the State Archivist/designee.

Custodian of an E-Mail - The original sender of an e-mail message within YS e-mail system, or the recipient of an e-mail message from outside YS.

Destruction - To destroy by shredding, burning or other suitable means of obliteration.

Digital Format – Digital data and/or images available electronically in digital formation.

Digital Image – An electronic data file consisting of digital data, that when reconstructed either on a display screen or hard copy print appears as the original document.

Disposal - Destruction in any manner approved by the environmental authority; or, transferal into the custody of the repository designated by the State Archivist as most appropriate for continued maintenance.

Microform – A process for reproducing printed matter in a much reduced size.

Microphotograph – A small photograph that is normally magnified for viewing.

Public Records - All books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, papers, and all copies, duplicates, scanned material, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data, digital images or information in a digital format, processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state, are "public records", except as otherwise provided in Title 44 Ch.1 §1 or the Constitution of Louisiana.

Public Records Custodian - The staff member designated by a Unit Head to serve as Public Records Custodian to perform the duties of records management as required by law.

Public Records Management Program - A continuing program established for the purpose of the economical and efficient management of the records of Youth Services. This program provides for effective controls over the creation, maintenance and use of records, and facilitates the segregation and disposal of records. In addition, the program includes the establishment of record retention schedules, purging and destruction of records.

Records – All documents, papers, letters, books, drawings, maps, plats, photographs, magnetic or optical media, microfilm, microphotograph, motion picture film, scanned documents or digital images available electronically in a digital format, or any other document or material, regardless of physical form or characteristic, generated or received under law or in connection with the transaction of official business.

For the purpose of this policy, records include the following, but are not limited to:

- Budget
- Code of Conduct Packets
- Contracts
- Federal Programs/Federal Grants
- Financial
- General Correspondence
- Lawsuits
- Logbooks
- Master Record, Medical and Banking Accounts - Youth
- Miscellaneous Office Files
- Personnel and Payroll
- Purchasing
- Property Records
- ORM/Loss Prevention
- Training

Records shall be identified by each unit and are not limited to the above list.

Records Management - The systematic application of management techniques to the creation, utilization, maintenance, retention, preservation, and disposal of records for the purpose of reducing costs and improving efficiency of records keeping. "Records Management" includes management of filing and microfilming equipment and supplies; filing and information retrieval systems; files, correspondence, reports, and forms management; historical documentation; micrographics; retention programming; and vital records protection.

Records Management Officer (RMO) - The individual designated by the Deputy Secretary to act as liaison between the Office of the Secretary of State, Division of Archives and Youth Services on all matters related to records management.

Records Retention Schedule (SSARC 932) – A listing of YS records by series title specifying the time period for which they must be retained, to be signed by the Deputy Secretary and approved by the State Archivist of the Office of the Secretary of State/designee.

Records Retention Schedule Form Guidelines - A description and explanation of the “Records Retention Schedule” form.

Record Series - A group of related or similar records, regardless of medium, which may be filed together as a unit, are used in a similar manner, and typically are evaluated as a unit for determining retention periods.

Retention And Disposal Schedule - A set of instructions prescribing the form, duration, location and conditions in which records series shall be kept.

State Archivist – The State Archivist and Director of the Division of Archives, Records Management and History, appointed by the Secretary of State.

Transitory Messages – Messages which include the following: unsolicited and junk e-mails not related to YS work, listserv and other e-mail broadcast lists that require subscription (including newspapers), reminders for meetings and events (i.e. cake in the conference room, staff meeting moved from 2:00 p.m. to 3:00 p.m.), and personal non-work related e-mails received by employees, which do not need to be retained.

Unit Head - Deputy Secretary, Facility Directors and Regional Managers.

V. POLICY:

It is the Deputy Secretary's policy to require that all units within YS comply with the Public Records Management Program.

Access to and release of records or information contained in YS records, and the confidentiality of records or parts of records, shall be maintained and released in accordance with appropriate laws and YS policies.

NOTE: YS Policy No. A.3.3 outlines requirements for the duplication of YS public records and the collection of fees.

VI. BACKGROUND:

A. The established laws listed below govern the Public Records Management Program and shall be followed to ensure the following requirements are met:

1. La. R.S. 44:411 provides for selective retention of records and actions for recovery of records. The law requires the designated RMO act as the liaison between YS and the State Archivist regarding:
 - a) Schedules for retention;
 - b) Transfer of records to State Archives; and
 - c) Authorization for disposal and transfer of records to a successor by the YS Deputy Secretary, etc.
2. R.S. 44:412 requires that YS maintain active records management programs.
3. R.S. 44, Section 413 Public Records Law requires that all records of public agencies and quasi-public entities that perform governmental functions are subject to inspection.

(Note: Pursuant to La. R.S. 44:413, the State Archivist has the authority to inspect or survey the records of any state or local agency, as well as to make surveys of records management and records disposal practices.)

4. Louisiana Constitution Article 12, Section 3 states "No person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law."
5. R.S. 44:36 requires that state agencies and their subdivisions submit the attached formal "Records Retention Schedules (SS ARC 932) to State Archives for approval. However, in instances in which a formal retention schedule has not been executed, the law requires that such public records be preserved and maintained for a period of at least three (3) years from the date on which the public record was made. When copies of an original record exist, only the original shall be kept.

6. Further, where an appropriate form of micro-photographic process has been utilized to record, file, and otherwise preserve such public records with microforms produced in compliance with the provisions of La. R.S. 44:415, the microforms shall be deemed originals.
7. La. R.S. 44:39 allows for microfilm and electronic digitized records to be used as evidence in lawsuits.

Therefore, it is the responsibility of each Unit Head to ensure compliance with these laws and the contents of this policy.

VII. RESPONSIBILITIES:

- A. Deputy Secretary: The Deputy Secretary shall designate a RMO by July 1st of each fiscal year. The attached "Records Officer Designation Form" (SS ARC 940) shall be completed and submitted to the State Archivist to provide notification of the individual selected.
- B. Records Management Officer: The RMO is responsible for overseeing the Public Records Management Program for YS, including reviewing and updating the "Records Retention Schedule" at least every five (5) years and maintaining YS schedules. This individual also acts as liaison between the Office of the Secretary of State, Division of Archives, Records Management Section and YS on all matters related to records management.
- C. Public Records Custodian: The Public Records Custodian is designated by the Unit Head to ensure the requirements of the Public Records Management Program are met.
- D. Manager/Supervisor: Managers and supervisors are responsible for ensuring that each employee under their supervision is knowledgeable of YS policy concerning the retention of records, and adheres to the YS "Records Retention Schedule" specific to their unit.
- E. Employees: YS employees are responsible for adhering to the YS "Records Retention Schedule" for all records maintained or utilized in the performance of their duties.

VIII. PROCEDURES:

- A. Unit Head's shall designate a staff member to serve as the unit's Public Records Custodian to coordinate the duties required by the laws outlined under Section VI of this policy. The designated staff members' names shall be forwarded to the designated RMO by July 1st each year, who shall maintain the list for YS.
- B. Each unit's Public Records Custodian shall ensure that all the requirements of the Public Records Management Program are met.
- C. The Deputy Secretary/designee shall transfer all records of YS to any future appointed successor, and notify the State Archivist in accordance with La. R.S. 44:411, unless otherwise directed by law.

IX. RECORDS RETENTION:

- A. Records shall be preserved for the period(s) of time specified for such public records in the formal "Records Retention Schedule" as developed by YS representatives, and approved by the Division of Archives.
- B. In the absence of approved retention schedules, YS records (i.e. miscellaneous office files and subsidiary or duplicated records), shall be retained for a minimum of three (3) years from the date on which the public record was made with the following exceptions:
 - 1. Master records of youth in secure care which shall be retained in accordance with YS Policy No. B.3.1;
 - 2. Records of youth under Community Based Services (CBS) which shall be retained in accordance with YS Policy No. D.5.1;
 - 3. Medical records of youth which shall be retained in accordance with YS Policy No. B.3.1, and the contracted healthcare provider (CHP) Policy Nos. C-26 and C-27;
 - 4. Human Resources records which shall be retained in accordance with YS Policy No. A.2.12;
 - 5. Records of participation in federal programs or federal grants may be destroyed after three (3) years, unless superseded by guidelines for the operative federal program or grant requiring longer retention periods;

- 6. Records which shall be retained for longer periods of time as per requirements set forth by other jurisdictions; and
- 7. Records expunged as provided by law.
- C. Records shall not be destroyed in any case if litigation involving the record is pending or until the required state and/or federal audits have been conducted.
- D. When it is necessary to maintain records due to pending litigation, notice of such retention shall be provided to the Division of Archives when requesting destruction of other records in the same record series.
- E. In the event that federal and state record retention requirements are different, the record must be preserved for the longer period of time.
- F. Records involving YS contracts shall be maintained for a period of five (5) years.
- G. All conditions shall be met for preserving records and duplicating copies as required in La. R.S. 44:36. Storage of files shall be left to the discretion of the Deputy Secretary/designee. When choosing a location for storage, the Deputy Secretary/designee shall consider economy, efficiency and accessibility of the record.
- H. Units shall keep a file of which records are sent to the Division of Archives for storage. The file shall be kept for the same duration of time as the actual records as contained in the "Records Retention Schedule". In addition, designated units shall keep a copy of the "Record Transmittal and Receipt Form" (SSARC 103), which is submitted to the Division of Archives, and forward a copy of the documentation to the designated RMO.
- I. In accordance with the Louisiana State Archives requirements, the attached "Records Storage Box - Packing Instructions" are to be used to ensure that records are packed properly in standard storage boxes prior to submittal.

X. RETENTION OF ELECTRONIC MAIL:

- A. The primary purpose of electronic mail is to send and receive messages which assist employees in fulfilling their job duties and responsibilities. An e-mail message within the YS e-mail system is a public record and the property of YS.

- B. According to the Louisiana State Archives Electronic Mail (E-mail) Retention Policy, "Electronic mail (e-mail) is not a record series for retention scheduling purposes. Rather, the retention of e-mail must be based on content, not on media type, artificial duration (i.e. 90 days), or on storage limitations. An e-mail should be retained for the same duration as other records of similar content included in a given record series on the approved retention schedule. If an existing record series cannot be identified, a record series should be developed and included on the approved retention schedule."
- C. There is no retention requirement for transitory messages. Employees receiving such communications may delete them immediately without obtaining approval from the state archives.
- D. Because Information Technology (IT) possesses a finite amount of server space for e-mail storage, the employee who is considered the custodian of an e-mail is responsible for maintaining e-mails and may use one of the following methods:
 - 1. Utilize an electronic archiving system;
 - 2. Save the e-mail and attachments to their individual hard drives;
 - 3. Save the e-mail and attachments to a Flash Drive. The Flash Drive must be encrypted for security purposes and cannot be removed from the employee's office; or
 - 4. Print out and store hard copies of the e-mail.
- E. It is each employee's responsibility to retain e-mail messages for the approved retention period based on its content. Names of the sender, recipient, date/time of the message, as well as any attachments must be retained with the message. It is also the employee's responsibility to delete the message once the retention period has expired.
- F. It is advisable to save the one e-mail that contains an entire string of messages rather than each individual e-mail pertaining to the same subject. It is acceptable for employees to retain e-mails that they have been copied on even though they are not the custodian of the e-mails.
- G. Except for listserv mailing services, distribution lists must be able to identify the sender and recipient of the message.

XI. DIVISION OF ARCHIVES RECORD CENTER:

The Division of Archives, Records Management and History maintains a Records Center to store YS records still under retention, but which YS does not need to maintain on site for the entire retention period. The Records Center may be

contacted by phone at (225) 922-1224 to request storage of records. Refer to Part IV of the Louisiana State Archives Records Management Handbook for detailed procedures for storing records at the Records Center @ www.sos.la.gov/.../rm-handbook.pdf

XII. DISPOSAL OF RECORDS:

- A. Records MAY be destroyed after meeting the following requirements:
 - 1. After they have met their legal minimum retention periods;
 - 2. Are no longer needed for any purpose; and
 - 3. Have been listed and authorized for destruction on the attached "Request for Authority to Dispose of Records Form" (SSARC 930) provided by the Division of Archives, Records Management and History.
- B. A representative of the Records Management Section (RMS) and the Acquisitions Archivist must both sign any request for the disposal of records.
- C. Procedure for Requesting Disposal of YS Records
 - 1. The unit's Public Records Custodian prepares a SSARC 930, signs, dates, and submits the completed form to the YS RMO.
 - 2. The YS RMO submits the form to the RMS of the Division of Archives, Records Management and History.
 - 3. The RMS examines the form to determine if all items listed are accounted for on the unit's "Records Retention Schedule", then reviews each record series listed to determine if those records have met their retention requirements.
 - 4. The RMS notifies the YS RMO if any record series are not eligible for disposition. The unit is then notified by the YS RMO of the records series determined ineligible for disposition.
 - 5. The RMS routes the SSARC 930 to the Acquisitions Archivist to determine if any records possess historical value.
 - 6. If such records are identified, it is recommended to the YS RMO that these records be transferred to the custody of the Division of Archives, Records Management and History.

YS Policy No. A.1.9
Page 11

7. The SSARC 930 must be signed by both the RMS and the Acquisitions Archivist, and is either mailed or faxed to the YS RMO when disposition approval is granted.
 8. The YS RMO notifies the submitting unit of the records disposal approval.
 9. Units shall destroy records within a regular time frame, whether it is annually, quarterly, or in some other scheduled manner.
- D. The RMS shall indicate on the SSARC 930 whether a special method of destruction is needed for certain records. Confidential records, for example, are required to be incinerated, shredded or macerated to protect sensitive information.

The Division of Archives, Records Management and History will destroy free of charge confidential records stored in the Records Center.

A minimal per-pound fee is charged for all other records to be shredded. Prior to submitting a request to the Records Center for shredding service, each unit shall forward same to the YS RMO. The request shall then be sent to the Undersecretary/designee for review/approval.

Unit Staff shall indicate on their "Records Retention Schedule" which records series contain confidential information.

Previous Regulation/Policy Number: A.1.9

Previous Effective Date: 06/11/2012

Attachments/References:

Records Officer Designation Form ssarc940.pdf



Records Retention Schedule ss-arc932(new).docx



ssarc103.pdf



records_storage_instructions.pdf



Request for Authority to Dispose of Records SSARC 930.pdf